

# **APPENDIX 1**

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Attorneys at Law  
Beverly Hills, California

1 [REDACTED]  
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14 **II. DISCOVERY DISPUTE NUMBER 1 – EVIDENCE OF FRACTURES IN**  
15 **PROFEMUR COCR NECKS**

16 **A. Plaintiffs' Document Demand and Defendants' Responses**

17 **1. Defendant Wright Medical Technology, Inc.**

18 **REQUEST FOR PRODUCTION NO. 1:**

19 All DOCUMENTS which RELATE TO COMMUNICATIONS YOU sent to or  
20 received from the U.S. Food and Drug Administration (“FDA”) concerning the  
PROFEMUR DEVICE with the CoCr NECK, including but not limited to the  
FDA regulatory file and any supplementation, addition, amendment to same.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

22 The general objections above are incorporated by reference as though fully set  
forth herein. Wright Medical objects to this Request on the grounds that it seeks  
23 information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case. Specifically, this Request seeks documents,  
24 for an unlimited period of time, which pertain to products which Plaintiff did not  
receive and which are not at issue in this case. Subject to, and without waiver of,  
25 the foregoing objections, Wright Medical will produce, upon the entry of a  
stipulated confidentiality order, the regulatory files for the products which  
26 Plaintiff received and are at issue in this case.

27 **REQUEST FOR PRODUCTION NO. 3:**

28 All DOCUMENTS which RELATE TO the substance of meetings YOU had

1 with the FDA RELATING to the PROFEMUR DEVICE with the CoCr NECK,  
 2 including but not limited to the FDA regulatory file and any supplementation,  
 3 addition, amendment to same.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

5 The general objections above are incorporated by reference as though fully set  
 6 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
 7 information neither relevant to the subject matter of this litigation nor  
 8 proportional to the needs of the case. Specifically, this Request seeks documents,  
 9 for an unlimited period of time, relating to any and all communications  
 10 regardless of the substance, which pertain to products which Plaintiff did not  
 11 receive and which are not at issue in this case. Read literally this Request seeks  
 12 any and all documents related to the FDA, having any arguable connection to the  
 13 products at issue in this case, regardless as to whether the communication has  
 14 anything to do with the allegations and theories of defect pled in the Complaint.  
 15 Subject to, and without waiver of, the foregoing objections, upon the entry of a  
 16 stipulated confidentiality order, Wright Medical will produce the regulatory files  
 17 for the products which Plaintiff received and are at issue in this case.

18 **REQUEST FOR PRODUCTION NO. 5:**

19 All DOCUMENTS which RELATE TO COMMUNICATIONS from 2009 to  
 20 present concerning a potential or actual recall of the CoCr NECK, including, but  
 21 not limited to, minutes of meetings in which a recall was discussed.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

23 The general objections above are incorporated by reference as though fully set  
 24 forth herein. Wright Medical objects to this Request to the extent that it seeks  
 25 documents which pertain to the decisions and conduct of a third party, over  
 26 whom Wright Medical has no control. Wright Medical further objects to this  
 27 Request on the grounds that it seeks information neither relevant to the subject  
 28 matter of this litigation nor proportional to the needs of the case. Specifically,  
 29 this Request seeks documents, for an unlimited period of time, which pertain to  
 30 products which Plaintiff did not receive and which are not at issue in this case.  
 31 Subject to, and without waiver of, the foregoing objections, upon the entry of a  
 32 stipulated confidentiality order, Wright Medical will produce risk assessment  
 33 and analysis forms it prepared for the PROFEMUR® modular neck component  
 34 at issue, which may include information responsive to this Request.

35 **REQUEST FOR PRODUCTION NO. 7:**

36 All DOCUMENTS which RELATE TO reports of implant failures RELATING  
 37 TO the PROFEMUR DEVICE with the CoCr NECK.

38 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

39 The general objections above are incorporated by reference as though fully set  
 40 forth herein. Wright Medical objects to this Request as overbroad and  
 41 disproportionate to the needs of this case because it seeks documents concerning  
 42 other product failures involving different patients with different product

1 configurations, treated by different physicians and surgeons, with differing  
 2 medical conditions and circumstances, all of which have no relevance to the  
 3 claims asserted by Plaintiff in this case. Wright Medical further objects that the  
 4 term "implant failures" is vague, ambiguous and undefined within the context of  
 5 this Request and could include instances having nothing to do with the  
 6 allegations or theories at issue in this matter. Wright Medical further objects to  
 7 this Request to the extent it seeks information and documents, for an unlimited  
 8 period of time, which pertain to reports of "implant failures" concerning  
 9 products which Plaintiff did not receive and which are not at issue in this case.  
 Subject to, and without waiver of, the foregoing objections, upon the entry of a  
 stipulated confidentiality order, Wright Medical will produce responsive  
 documents for fracture complaints of the modular neck component which  
 Plaintiff received and is at issue in this case, including Plaintiff's complaint file,  
 which contain information responsive to this Request as it pertains to Plaintiff  
 and the modular neck component she received.

10 **REQUEST FOR PRODUCTION NO. 8:**

11 All DOCUMENTS which RELATE TO any COMMUNICATIONS regarding  
 12 implant failures, including but not limited to fracture and corrosion-related  
 13 failures, of the PROFEMUR CoCr Neck.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

15 The general objections above are incorporated by reference as though fully set  
 16 forth herein. Wright Medical objects to this Request as overbroad and  
 17 disproportionate to the needs of this case because it seeks documents concerning  
 18 a failure mode (corrosion) and products that are not at issue in this case. Wright  
 19 Medical further objects on grounds this Request seeks documents concerning  
 20 other product failures involving different patients with different product  
 21 configurations, treated by different physicians and surgeons, with differing  
 22 medical conditions and circumstances, all of which have no relevance to the  
 23 claims asserted by Plaintiff in this case. Wright Medical further objects that the  
 24 term "implant failures" is vague, ambiguous and undefined within the context of  
 25 this Request and could include instances having nothing to do with the  
 26 allegations or theories at issue in this matter. Subject to, and without waiver of,  
 27 the foregoing objections, upon the entry of a stipulated confidentiality order,  
 Wright Medical will produce responsive documents for fracture complaints of  
 28 the modular neck component which Plaintiff received and is at issue in this case,  
 including Plaintiff's complaint file, which contain information responsive to this  
 Request as it pertains to Plaintiff and the modular neck component she received.

25 **REQUEST FOR PRODUCTION NO. 10:**

26 All promotional and marketing materials YOU drafted, approved, published, or  
 27 distributed concerning the PROFEMUR DEVICE, including, but not limited to,  
 28 drafts of such promotional and marketing materials.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

1       The general objections above are incorporated by reference as though fully set  
 2       forth herein. Wright Medical objects to this Request on the grounds that it seeks  
 3       information neither relevant to the subject matter of this litigation nor  
 4       proportional to the needs of the case. Specifically, this Request seeks documents,  
 5       for the lifespan of the PROFEMUR® product line, which extends over 30 years  
 6       and includes products which Plaintiff did not receive and which are not at issue  
 7       in this case. Moreover, Wright Medical objects on the grounds that this Request  
 8       seeks documents which neither Plaintiff nor her treating physicians reviewed or  
 9       relied upon. Subject to, and without waiver of, the foregoing objections, Wright  
 10      Medical will produce marketing materials for the modular neck component  
 11      which Plaintiff received and is at issue in this case.

12      REQUEST FOR PRODUCTION NO. 12:

13      All DOCUMENTS which RELATE TO PATIENT or physician complaints  
 14      reported to YOU or MICROPORT concerning the PROFEMUR DEVICE.

15      RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

16      The general objections above are incorporated by reference as though fully set  
 17      forth herein. Wright Medical objects on grounds this Request seeks documents  
 18      concerning a third party over whom Wright Medical has no control. Wright  
 19      Medical further objects on the grounds that this Request seeks information  
 20      neither relevant to the subject matter of this litigation nor proportional to the  
 21      needs of the case because it seeks documents, for an unlimited period of time,  
 22      which pertain to "PATIENT or physician complaints" concerning products  
 23      which Plaintiff did not receive and which are not at issue in this case. Moreover,  
 24      this Request seeks documents concerning other product complaints concerning  
 25      different patients with different product configurations, treated by different  
 26      physicians and surgeons, with differing medical conditions and circumstances,  
 27      all of which have no relevance to the claims asserted by Plaintiff in this case.  
 28      Subject to, and without waiver of, the foregoing objections, upon the entry of a  
 1       stipulated confidentiality order, Wright Medical will produce responsive  
 2       documents for fracture complaints of the modular neck component which  
 3       Plaintiff received and is at issue in this case, including Plaintiffs complaint file,  
 4       which contain information responsive to this Request as it pertains to Plaintiff  
 5       and the modular neck component she received.

6      REQUEST FOR PRODUCTION NO. 14:

7      All DOCUMENTS which RELATE TO reports of adverse events or implant  
 8      failures concerning the PROFEMUR DEVICE.

9      RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

10      The general objections above are incorporated by reference as though fully set  
 11      forth herein. Wright Medical objects to this Request on the grounds that it seeks  
 12      information neither relevant to the subject matter of this litigation nor  
 13      proportional to the needs of the case because it seeks documents, for an  
 14      unlimited period of time, which pertain to "reports of adverse events or implant  
 15      failures" concerning products which Plaintiff did not receive and which are not

1 at issue in this case. Moreover, this Request seeks documents concerning other  
 2 adverse events and/or implant failures concerning different patients with  
 3 different product configurations, treated by different physicians and surgeons,  
 4 with differing medical conditions and circumstances, all of which have no  
 5 relevance to the claims asserted by Plaintiff in this case. Wright Medical further  
 6 objects that the terms "adverse events" and "implant failures" are vague,  
 7 ambiguous and undefined within the context of this Request and could include  
 8 instances having nothing to do with the allegations or theories at issue in this  
 9 matter. Subject to, and without waiver of, the foregoing objections, upon the  
 entry of a stipulated confidentiality order, Wright Medical will produce  
 responsive documents for fracture complaints of the modular neck component  
 which Plaintiff received and is at issue in this case, including Plaintiffs complaint  
 file, which contain information responsive to this Request as it pertains to  
 Plaintiff and the modular neck component she received.

10 **REQUEST FOR PRODUCTION NO. 15:**

11 All product labels, package inserts, or Instructions for Use ("IFU") that YOU  
 12 drafted, approved, published or distributed concerning the PROFEMUR  
 DEVICE and the IMPLANT COMPONENTS.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

14 The general objections above are incorporated by reference as though fully set  
 15 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
 16 information neither relevant to the subject matter of this litigation nor  
 17 proportional to the needs of the case. Specifically, this Request seeks documents,  
 18 for an unlimited period of time, concerning products which Plaintiff did not  
 receive and which are not at issue in this case. Moreover, this Request is  
 overbroad as it seeks versions and variations of labels and documents not  
 received or reviewed by Plaintiffs surgeon. Subject to, and without waiver of, the  
 foregoing objections, Wright Medical responds that it will produce the IFUs  
 accompanying the components which Plaintiff received.

19 **REQUEST FOR PRODUCTION NO. 16:**

20 All DOCUMENTS sufficient to show the warnings YOU provided to  
 21 PATIENTS or their implanting surgeons concerning the risks of the  
 22 PROFEMUR DEVICE with the CoCr NECK.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

24 The general objections above are incorporated by reference as though fully set  
 25 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
 26 information neither relevant to the subject matter of this litigation nor  
 27 proportional to the needs of the case. Specifically, this Request seeks  
 28 documents, for an unlimited period of time, concerning products which Plaintiff  
 did not receive and which are not at issue in this case. Moreover, this Request  
 seeks documents concerning different patients, product configurations, and  
 surgeons which have no relevance to this matter. Subject to, and without waiver  
 of, the foregoing objections, Wright Medical responds that it will produce the

1 IFUs which accompanied the products Plaintiff received, and marketing  
2 materials applicable to the modular neck component received by Plaintiff.

3 **REQUEST FOR PRODUCTION NO. 17:**

4 All DOCUMENTS concerning testing or studies YOU conducted RELATING  
TO the PROFEMUR DEVICE with the CoCr NECK.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

6 The general objections above are incorporated by reference as though fully set  
7 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
8 documents, for an unlimited period of time, concerning products which Plaintiff  
9 did not receive and which are not at issue in this case, and are therefore not  
10 relevant or proportionate to the needs of this case. Subject to, and without waiver  
11 of, the foregoing objections, upon the entry of a stipulated confidentiality order,  
12 Wright Medical responds that it will produce the device development file and  
13 testing reports for the modular neck component which Plaintiff received and is at  
14 issue in this case.

15 **REQUEST FOR PRODUCTION NO. 21:**

16 All claims summary databases or spreadsheets, which track or reflect failures or  
17 complaints regarding the PROFEMUR DEVICE, including, but not limited to,  
18 any claims database or spreadsheet that identifies complaints regarding the  
19 PROFEMUR DEVICE by the following categories: incident number; date;  
20 product ID; product; lot number; incident description; and investigation  
21 summary.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

23 The general objections above are incorporated by reference as though fully set  
24 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
25 information neither relevant to the subject matter of this litigation nor  
26 proportional to the needs of the case because it seeks documents, for an  
27 unlimited period of time, concerning a failure mode (corrosion) and products  
28 which Plaintiff did not receive and which are not at issue in this case. Moreover,  
this Request seeks documents concerning other product failures and complaints  
concerning different patients, treated by different physicians and surgeons, with  
unique component configurations and differing medical conditions and  
circumstances, all of which have no relevance to the claims asserted by Plaintiff  
in this case. Subject to, and without waiver of, the foregoing objections, upon the  
entry of a stipulated confidentiality order, Wright Medical responds that it will  
produce responsive documents for fracture complaints of the modular neck  
component which Plaintiff received and is at issue in this case.

29 **REQUEST FOR PRODUCTION NO. 22:**

30 All claims summary databases or spreadsheets, which track or reflect failures,  
31 fractures, or complaints regarding the PROFEMUR DEVICE, including, but not  
32 limited to, any claims database or spreadsheets prepared, developed, and/or  
33 maintained by Rich Obert.

1                   RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

2                   The general objections above are incorporated by reference as though fully set  
 3                   forth herein. Wright Medical objects to this Request on the grounds that it seeks  
 4                   information neither relevant to the subject matter of this litigation nor  
 5                   proportional to the needs of the case because it seeks documents, for an  
 6                   unlimited period of time, concerning a failure mode (corrosion) and products  
 7                   which Plaintiff did not receive and which are not at issue in this case. Moreover,  
 8                   this Request seeks documents concerning other product failures and complaints  
 9                   concerning different patients, treated by different physicians and surgeons, with  
 10                  unique component configurations and differing medical conditions and  
 11                  circumstances, all of which have no relevance to the claims asserted by Plaintiff  
 12                  in this case. Subject to, and without waiver of, the foregoing objections, upon the  
 13                  entry of a stipulated confidentiality order, Wright Medical responds that it will  
 14                  produce responsive documents for fracture complaints of the modular neck  
 15                  component which Plaintiff received and is at issue in this case.

16                   REQUEST FOR PRODUCTION NO. 24:

17                   The design history file, design control file, or design dossier DOCUMENTS  
 18                   RELATING TO the design and development of the PROFEMUR NECKS  
 19                   manufactured, designed, and/or marketed by WRIGHT, Cremascoli, and/or  
 20                   MICROPORT.

21                   RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

22                   The general objections above are incorporated by reference as though fully set  
 23                   forth herein. Wright Medical objects to this Request on grounds that it seeks  
 24                   documents which pertain to a third party over whom Wright Medical has no  
 25                   control. Wright Medical further objects to this Request on the grounds that it  
 26                   seeks information neither relevant to the subject matter of this litigation nor  
 27                   proportional to the needs of the case because it seeks documents, for an  
 28                   unlimited period of time, concerning products which Plaintiff did not receive and  
 29                   which are not at issue in this case. Subject to, and without waiver of, the  
 30                   foregoing objections, upon the entry of a stipulated confidentiality order, Wright  
 31                   Medical responds that it will produce the device development file for the  
 32                   modular neck component which Plaintiff received and is at issue in this case.

33                   REQUEST FOR PRODUCTION NO. 25:

34                   All DOCUMENTS, including but not limited to investigations, internal studies,  
 35                   reports, PowerPoint presentations, or other similar material, that address failure  
 36                   rate(s) of all modular neck systems, the demographics of such failures, and  
 37                   projections of the number, percentage, or rate of future failures.

38                   RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

39                   The general objections above are incorporated by reference as though fully set  
 40                   forth herein. Wright Medical objects to this Request on the grounds that it seeks  
 41                   information neither relevant to the subject matter of this litigation nor  
 42                   proportional to the needs of the case because it seeks documents, for an

unlimited period of time, concerning products which Plaintiff did not receive and which are not at issue in this case. Moreover, this Request seeks documents concerning other product failures concerning different patients, treated by different physicians and surgeons, with unique component configurations and differing medical conditions and circumstances, all of which have no relevance to the claims asserted by Plaintiff in this case. Wright Medical further objects to the extent the Request seeks documents authored and maintained by a party over whom Wright Medical has no control. Wright Medical further objects that the terms "investigations, internal studies, reports, PowerPoint presentations, or other similar material" and "all modular neck systems" are vague, ambiguous and undefined within the context of this Request. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, Wright Medical responds that it will produce responsive documents for the modular neck component which Plaintiff received and is at issue in this case, including, but not limited to, the responsive post-market surveillance reports for the modular neck component which Plaintiff received.

**REQUEST FOR PRODUCTION NO. 27:**

All DOCUMENTS and supporting data which reflect the total number, by model, of PROFEMUR CoCr NECKS distributed/sold/implanted worldwide on an annual basis from 2009 to present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects on the grounds that it no longer distributes or sells the "PROFEMUR CoCr NECKS." Wright Medical further objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case because it seeks documents concerning products which Plaintiff did not receive and which are not at issue in this case. Moreover, information concerning the number of "PRO FEMUR CoCr NECKS" Wright Medical has "distributed/sold/implanted worldwide" has no relevance to the product liability claims asserted by Plaintiff in this case. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, Wright Medical responds that it will produce responsive documents for the modular neck component which Plaintiff received and is at issue in this case.

**REQUEST FOR PRODUCTION NO. 29:**

All DOCUMENTS and supporting data which reflect the total number, by model, of PROFEMUR CoCr NECKS distributed/sold/implanted domestically in the United States on an annual basis from 2009 to present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

The general objections above are incorporated by reference as though fully set forth herein. Wright Medical objects on the grounds that it no longer distributes or sells the "PROFEMUR CoCr NECKS." Wright Medical further objects to this Request on the grounds that it seeks information neither relevant to the subject

1 matter of this litigation nor proportional to the needs of the case because it seeks  
2 documents concerning products which Plaintiff did not receive and which are not  
3 at issue in this case. Moreover, information concerning the number of  
4 “PROFEMUR CoCr NECKS” Wright Medical has “distributed/sold/implanted  
5 domestically” has no relevance to the product liability claims asserted by  
6 Plaintiff in this case. Subject to, and without waiver of, the foregoing objections,  
7 upon the entry of a stipulated confidentiality order, Wright Medical responds that  
8 it will produce responsive documents for the modular neck component which  
9 Plaintiff received and is at issue in this case.

10 **REQUEST FOR PRODUCTION NO. 30:**

11 All data and DOCUMENTS which reflect the total number, by model, of  
12 PROFEMUR NECKS that have been reported to have failed due to corrosion in  
13 the United States on an annual basis from 2000 to present.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

15 The general objections above are incorporated by reference as though fully set  
16 forth herein. Wright Medical objects on grounds that this Request seeks  
17 documents concerning a failure mode (corrosion) not at issue in this case. Wright  
18 Medical further objects to this Request on the grounds that it seeks information  
19 neither relevant to the subject matter of this litigation nor proportional to the  
20 needs of the case because it seeks documents concerning multiple products-some  
21 of which are comprised of different materials-which Plaintiff did not receive and  
22 which are not at issue in this case. Moreover, this Request seeks documents  
23 concerning other product failures concerning different patients, treated by  
24 different physicians and surgeons, with unique component configurations and  
25 differing medical conditions and circumstances, all of which have no relevance  
26 to the claims asserted by Plaintiff in this case. Wright Medical further objects to  
27 the extent the Request seeks documents authored and maintained by a party over  
28 whom Wright Medical has no control.

19 **REQUEST FOR PRODUCTION NO. 33:**

20 All data and DOCUMENTS which reflect the total number, by model, of CoCr  
21 NECKS which were reported to YOU, Cremascoli, or MICROPORT as  
22 fractured in the United States from 2009 to present.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

24 The general objections above are incorporated by reference as though fully set  
25 forth herein. Wright Medical objects to the extent the Request seeks documents  
26 authored and maintained by a party over whom Wright Medical has no control.  
27 Wright Medical further objects to this Request on the grounds that it seeks  
28 information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case because it seeks documents concerning  
multiple products which Plaintiff did not receive and which are not at issue in  
this case. Moreover, this Request seeks documents concerning other product  
failures concerning different patients, treated by different physicians and  
surgeons, with unique component configurations and differing medical

1 conditions and circumstances, all of which have no relevance to the claims  
2 asserted by Plaintiff in this case. Subject to, and without waiver of, the foregoing  
3 objections, upon the entry of a stipulated confidentiality order, Wright Medical  
4 responds that it will produce responsive documents for fracture complaints of the  
modular neck component which Plaintiff received and is at issue in this case.

5 **REQUEST FOR PRODUCTION NO. 35:**

6 All data and DOCUMENTS which reflect the total number, by model, of CoCr  
NECKS which were reported to YOU, Cremascoli, or MICROPORT as  
fractured worldwide from 2009 to present.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

8 The general objections above are incorporated by reference as though fully set  
forth herein. Wright Medical objects to the extent the Request seeks documents  
9 authored and maintained by a party over whom Wright Medical has no control.  
Wright Medical further objects to this Request on the grounds that it seeks  
10 information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case because it seeks documents concerning  
11 multiple products which Plaintiff did not receive and which are not at issue in  
this case. Moreover, this Request seeks documents concerning other product  
failures concerning different patients, treated by different physicians and  
12 surgeons, with unique component configurations and differing medical  
conditions and circumstances, all of which have no relevance to the claims  
13 asserted by Plaintiff in this case. Subject to, and without waiver of, the foregoing  
14 objections, upon the entry of a stipulated confidentiality order, Wright Medical  
15 responds that it will produce responsive documents for fracture complaints of the  
16 modular neck component which Plaintiff received and is at issue in this case.

17 **REQUEST FOR PRODUCTION NO. 37:**

18 All DOCUMENTS which RELATE TO minutes of meetings, correspondence,  
19 emails, reports, directives, memos, cost analysis, cost-benefit analysis, design  
specifications, testing data or other DOCUMENTS RELATING TO WRIGHT'S  
20 consideration of any and all alternative designs, manufacturing methods, metal  
alloy types, or component composition to the PROFEMUR DEVICE.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

22 The general objections above are incorporated by reference as though fully set  
forth herein. Wright Medical objects that the terms "minutes of meetings,  
correspondence, emails, reports, directives, memos, cost analysis, cost-benefit  
analysis, design specifications, testing data or other DOCUMENTS" are vague,  
23 ambiguous and undefined within the context of this Request. Wright Medical  
objects to this Request on the grounds that it seeks information neither relevant  
to the subject matter of this litigation nor proportional to the needs of the case  
because it seeks documents, for an unlimited period of time, concerning products  
24 which Plaintiff did not receive and which are not at issue in this case. Subject to,  
and without waiver of, the foregoing objections, upon the entry of a stipulated  
25 confidentiality order, Wright Medical responds that it will produce the device

1 development file for the modular neck component which Plaintiff received and is  
2 at issue in this case.

3 **REQUEST FOR PRODUCTION NO. 40:**

4 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
5 and any implanting surgeon user discussing concerns related to corrosion and  
6 failure of the PROFEMUR DEVICE from 2000 to present.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

8 The general objections above are incorporated by reference as though fully set  
9 forth herein. Wright Medical objects on grounds that this Request seeks  
10 documents concerning a failure mode (corrosion) not at issue in this case, which  
11 therefore have no relevance to the claims asserted by Plaintiff. Wright Medical  
12 further objects to this Request on the grounds it is vastly overbroad and unduly  
13 burdensome in that it seeks any and all communications, regardless of source, for  
14 information neither relevant to the subject matter of this litigation nor  
15 proportional to the needs of the case because it seeks documents concerning  
16 products-some of which are comprised of a different material-which Plaintiff did  
17 not receive and which are not at issue in this case. Moreover, this Request seeks  
18 communications concerning other product failures concerning different patients,  
19 treated by different physicians and surgeons, with unique component  
20 configurations and differing medical conditions and circumstances, all of which  
21 have no relevance to the claims asserted by Plaintiff in this case. Wright Medical  
22 further objects to the extent the Request seeks documents authored and  
23 maintained by a party over whom Wright Medical has no control. Subject to, and  
24 without waiver of, the foregoing objections, upon the entry of a stipulated  
25 confidentiality order, Wright Medical responds that it will produce responsive  
26 documents for fracture complaints of the modular neck component which  
27 Plaintiff received and is at issue in this case, including Plaintiffs complaint file,  
28 which contain information responsive to this Request as it pertains to Plaintiff  
and the modular neck component she received.

20 **REQUEST FOR PRODUCTION NO. 41:**

21 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
22 and any PERSON or entity, including but not limited to the FDA or  
23 MICROPORT, concerning complaints about fractured CoCr NECK fracture  
24 components from 2009 to present.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

26 The general objections above are incorporated by reference as though fully set  
27 forth herein. Wright Medical objects to this Request on the grounds it is vastly  
28 overbroad and unduly burdensome in that it seeks any and all communications,  
regardless of source, for information neither relevant to the subject matter of this  
litigation nor proportional to the needs of the case because it seeks documents  
concerning products which Plaintiff did not receive and which are not at issue in  
this case. Moreover, this Request seeks communications concerning other  
product failures concerning different patients, treated by different physicians and

1           surgeons, with unique component configurations and differing medical  
2           conditions and circumstances, all of which have no relevance to the claims  
3           asserted by Plaintiff in this case. Wright Medical further objects to the extent the  
4           Request seeks documents authored and maintained by a party over whom Wright  
5           Medical has no control. Subject to, and without waiver of, the foregoing  
6           objections, upon the entry of a stipulated confidentiality order, Wright Medical  
7           responds that it will produce responsive documents for fracture complaints of the  
8           modular neck component which Plaintiff received and is at issue in this case,  
9           including Plaintiffs complaint file, which contain information responsive to this  
10          Request as it pertains to Plaintiff and the modular neck component she received.

7           REQUEST FOR PRODUCTION NO. 42:

8           All DOCUMENTS which RELATE TO COMMUNICATIONS concerning post-  
9           market surveillance of the PROFEMUR DEVICE from 2000 to present.

10          RESPONSE TO REQUEST FOR PRODUCTION NO. 42:

11          The general objections above are incorporated by reference as though fully set  
12          forth herein. Wright Medical objects to the extent the Request seeks documents  
13          authored and maintained by a party over whom Wright Medical has no control.  
14          Wright Medical further objects to this Request on the grounds that it seeks  
15          information neither relevant to the subject matter of this litigation nor  
16          proportional to the needs of the case because it seeks documents concerning  
17          products – some of which are comprised of a different material – which Plaintiff  
18          did not receive and which are not at issue in this case. Subject to, and without  
19          waiver of, the foregoing objections, upon the entry of a stipulated confidentiality  
20          order, Wright Medical responds that it will produce the post-market surveillance  
21          reports for the modular neck component which Plaintiff received and is at issue  
22          in this case.

18          REQUEST FOR PRODUCTION NO. 43:

19          Medical literature, papers, podium presentations, poster presentations, research,  
20          texts, treatises, or other similar DOCUMENTS, regardless of whether published  
21          or peer reviewed, received or generated by or on YOUR behalf from January 1,  
22          2000 to the present, RELATING TO the integrity, wear-rate, micromotion,  
23          corroding, fretting, or fracturing of PROFEMUR Ti6A14V MODULAR  
24          NECKS, regardless of the exact language used, and regardless of whether it  
25          specifically addresses a WRIGHT or MICROPORT device.

23          RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

24          The general objections above are incorporated by reference as though fully set  
25          forth herein. Wright Medical objects to this Request on the grounds that it seeks  
26          information neither relevant to the subject matter of this litigation nor  
27          proportional to the needs of the case because it seeks documents, pre-dating by  
28          nearly a decade the launch of the modular neck component at issue here,  
              concerning a failure mode ( corrosion) and products comprised of a different  
              material which Plaintiff did not receive and which are not at issue in this case,  
              and products which were not even designed, developed, manufactured, or sold

1 by Wright Medical. Wright Medical further objects to the extent the Request  
2 seeks documents authored and maintained by a party over whom Wright Medical  
3 has no control. Subject to, and without waiver of, the foregoing objections, upon  
4 the entry of a stipulated confidentiality order, Wright Medical responds that it  
5 will produce the device development file and post-market surveillance reports  
6 for the modular neck component which Plaintiff received and is at issue in this  
7 case.

8 **REQUEST FOR PRODUCTION NO. 44:**

9 Medical literature, papers, podium presentations, poster presentations, research,  
10 texts, treatises, or other similar DOCUMENTS, regardless of whether published  
11 or peer reviewed, received or generated by or on YOUR behalf RELATING TO  
12 the integrity, wear-rate, micromotion, corroding, fretting, or fracturing of  
13 PROFEMUR CoCr MODULAR NECKS, regardless of the exact language used,  
14 and regardless of whether it specifically addresses a WRIGHT or MICROPORT  
15 device.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

17 The general objections above are incorporated by reference as though fully set  
18 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
19 information neither relevant to the subject matter of this litigation nor  
20 proportional to the needs of the case because it seeks documents concerning a  
21 failure mode (corrosion) and products which Plaintiff did not receive and which  
22 are not at issue in this case, and products which were not even designed,  
23 developed, manufactured, or sold by Wright Medical. Wright Medical further  
24 objects to the extent the Request seeks documents authored and maintained by a  
25 party over whom Wright Medical has no control. Subject to, and without waiver  
26 of, the foregoing objections, upon the entry of a stipulated confidentiality order,  
27 Wright Medical responds that it will produce the device development file and  
28 post-market surveillance reports for the modular neck component which Plaintiff  
received and is at issue in this case.

29 **REQUEST FOR PRODUCTION NO. 45:**

30 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
31 and any surgeon RELATING TO or discussing in any way the integrity, wear-  
32 rate, micromotion, fretting, fretting corrosion, fracture or breakage of the  
33 PROFEMUR Ti6A14V MODULAR NECKS, regardless of whether that  
34 communication involved the personal experience of the surgeon with a patient.

35 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

36 The general objections above are incorporated by reference as though fully set  
37 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
38 information neither relevant to the subject matter of this litigation nor  
39 proportional to the needs of the case because it seeks documents, for an  
40 unlimited period of time, concerning a failure mode (corrosion) and numerous  
41 hip implant components comprised of a different material which Plaintiff did not  
42 receive and which are not at issue in this case. Moreover, this Request seeks

1           communications concerning other patients, surgeons and product failures, all of  
2           which have no relevance to the claims asserted by Plaintiff in this case. Subject  
3           to, and without waiver of, the foregoing objections, upon the entry of a stipulated  
4           confidentiality order, Wright Medical will produce responsive documents for  
5           fracture complaints of the modular neck component which Plaintiff received and  
6           is at issue in this case, including Plaintiffs complaint file, which may contain  
7           information responsive to this Request as it pertains to Plaintiff and the modular  
8           neck component she received.

9  
10          REQUEST FOR PRODUCTION NO. 46:

11         All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
12         and any surgeon RELATING TO or discussing in any way the integrity, wear-  
13         rate, micromotion, fretting, fretting corrosion, fracture or breakage of the  
14         PROFEMUR CoCr MODULAR NECK component, regardless of whether that  
15         communication involved the personal experience of the surgeon with a patient.

16  
17          RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

18         The general objections above are incorporated by reference as though fully set  
19         forth herein. Wright Medical objects to this Request on the grounds that it seeks  
20         information neither relevant to the subject matter of this litigation nor  
21         proportional to the needs of the case because it seeks documents, for an  
22         unlimited period of time, concerning a failure mode (corrosion) and numerous  
23         hip implant components which Plaintiff did not receive and which are not at  
24         issue in this case. Moreover, this Request seeks communications concerning  
25         other patients, surgeons and product failures, all of which have no relevance to  
26         the claims asserted by Plaintiff in this case. Subject to, and without waiver of, the  
27         foregoing objections, upon the entry of a stipulated confidentiality order, Wright  
28         Medical will produce responsive documents for fracture complaints of the  
          modular neck component which Plaintiff received and is at issue in this case,  
          including Plaintiffs complaint file, which may contain information responsive to  
          this Request as it pertains to Plaintiff and the modular neck component she  
          received.

29  
30          REQUEST FOR PRODUCTION NO. 49:

31         All published or presented material wherein a patient or recipient of a WRIGHT  
32         artificial hip with a TITANIUM or CoCr PROFEMUR MODULAR NECK  
33         speaks, promotes, or advocates on behalf of any WRIGHT artificial hip implant  
34         product, including, without limitation, any video footage of same.

35  
36          RESPONSE TO REQUEST FOR PRODUCTION NO. 49:

37         The general objections above are incorporated by reference as though fully set  
38         forth herein. Wright Medical objects to this Request on grounds it seeks  
39         documents which neither Plaintiff nor her treating physicians reviewed or relied  
40         upon. Wright Medical further objects to this Request on the grounds that it seeks  
41         information neither relevant to the subject matter of this litigation nor  
42         proportional to the needs of the case because it seeks documents, for an  
43         unlimited period of time, concerning any and all hip products-some of which are

1 comprised of a different material-which Plaintiff did not receive and which are  
2 not at issue in this case. Read literally, this Request seeks any and all materials,  
3 relating in any way to the promotion of over thirty hip implant components  
4 without any geographic or temporal limitations. Wright Medical further objects  
5 that the terms “published or presented material” are vague, ambiguous and  
6 undefined within the context of this Request. Subject to, and without waiver of,  
7 the foregoing objections, Wright Medical responds that it will produce marketing  
8 materials for the PRO FEMUR® modular neck component which Plaintiff  
9 received.

**REQUEST FOR PRODUCTION NO. 52:**

10 All COMMUNICATION, including but not limited to emails and letter  
11 correspondence, between YOU and Dr. Jason Snibbe regarding PROFEMUR  
12 MODULAR NECKS from 2000 to the present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

13 The general objections above are incorporated by reference as though fully set  
14 forth herein. Wright Medical objects to this Request on the grounds it seeks  
15 documents neither relevant to the subject matter of this litigation nor  
16 proportional to the needs of the case because it seeks documents concerning  
17 products-some of which are comprised of a different material-which Plaintiff did  
18 not receive and which are not at issue in this case. Moreover, this Request seeks  
19 communications concerning other product failures concerning different patients  
20 with unique component configurations and differing medical conditions and  
circumstances, all of which have no relevance to the claims asserted by Plaintiff  
in this case. Wright Medical further objects to the extent the Request seeks  
documents authored and maintained by a party over whom Wright Medical has  
no control. Subject to, and without waiver of, the foregoing objections, upon the  
entry of a stipulated confidentiality order, Wright Medical responds that it will  
produce responsive documents, including, but not limited to, correspondence  
with Dr. Snibbe regarding the modular neck component which Plaintiff received  
and is at issue in this case, and Plaintiffs complaint file, which contain  
information responsive to this Request as it pertains to Plaintiff and the modular  
neck component she received.

**REQUEST FOR PRODUCTION NO. 55:**

21 All DOCUMENTS in YOUR possession RELATING TO WRIGHT'S,  
22 Cremascoli's, or MICROPORT'S failure mode analysis of the Ti6A14V NECK  
23 or CoCr NECK, including but not limited to any conclusions formulated or  
24 reached as a result of said investigation or analysis.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

25 The general objections above are incorporated by reference as though fully set  
26 forth herein. Wright Medical objects to the extent the Request seeks documents  
27 authored and maintained by a party over whom Wright Medical has no control.  
Wright Medical further objects to this Request on the grounds that it seeks  
28 information neither relevant to the subject matter of this litigation nor

1 proportional to the needs of the case because it seeks documents, for an  
2 unlimited period of time, concerning products – some of which are comprised of  
3 a different material – which Plaintiff did not receive and which are not at issue in  
4 this case. Wright Medical further objects that the term “failure mode analysis” is  
5 vague, ambiguous and undefined within the context of this Request. Subject to,  
6 and without waiver of, the foregoing objections, upon the entry of a stipulated  
7 confidentiality order, Wright Medical responds that it will produce the device  
8 development file and risk assessment and analysis forms for the PRO FEMUR®  
9 modular neck component at issue, which may include information responsive to  
10 this Request.

11 **REQUEST FOR PRODUCTION NO. 56:**

12 All DOCUMENTS in YOUR possession RELATING TO WRIGHT'S,  
13 Cremascoli's, or MICROPORT'S failure mode analysis of the PROFEMUR  
14 DEVICE and/or its predecessor device, including but not limited to any  
15 conclusions formulated or reached as a result of said investigation or analysis.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

17 The general objections above are incorporated by reference as though fully set  
18 forth herein. Wright Medical objects to the extent the Request seeks documents  
19 authored and maintained by a party over whom Wright Medical has no control.  
20 Wright Medical further objects to this Request on the grounds that it seeks  
21 information neither relevant to the subject matter of this litigation nor  
22 proportional to the needs of the case because it seeks documents, for an  
23 unlimited period of time, concerning products – some of which are comprised of  
24 a different material – which Plaintiff did not receive and which are not at issue in  
25 this case. Wright Medical further objects that the terms “failure mode analysis”  
and “predecessor device” are vague, ambiguous and undefined within the context  
of this Request. Subject to, and without waiver of, the foregoing objections, upon  
the entry of a stipulated confidentiality order, Wright Medical responds that it  
will produce the device development file and risk assessment and analysis forms  
for the PROFEMUR® modular neck component at issue, which may include  
information responsive to this Request.

26 **REQUEST FOR PRODUCTION NO. 58:**

27 Produce a copy of all DOCUMENTS provided to YOUR employees and  
28 marketing, distribution, and sales personnel, on how to educate, inform, and  
notify surgeons and other users or purchasers of the PROFEMUR DEVICE,  
including but not limited to technical monographs, surgical technique guides,  
frequently asked questions brochures, and other DOCUMENTS that reflect,  
address, discuss or reference regulatory issues, concerns, problems or  
requirements related to PROFEMUR DEVICE.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

27 The general objections above are incorporated by reference as though fully set  
28 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor

1 proportional to the needs of the case because it seeks documents, for an  
2 unlimited period of time, concerning products-some of which are comprised of a  
3 different material-which Plaintiff did not receive and which are not at issue in  
4 this case. Wright Medical further objects that the terms “other users or  
5 purchasers” and “regulatory issues, concerns, problems or requirements” are  
6 vague, ambiguous and undefined within the context of this Request. Subject to,  
7 and without waiver of, the foregoing objections, Wright Medical responds that it  
8 will produce the IFUs, surgical technique, technical monographs, and other  
9 marketing materials for the PRO FEMUR® neck component at issue in this case.

10 **REQUEST FOR PRODUCTION NO. 63:**

11 Produce any DOCUMENTS where WRIGHT compares any aspects, properties,  
12 performance, characteristic, or safety of the CoCr NECK to any other  
13 PROFEMUR DEVICE, including those manufactured using a titanium  
14 (Ti6Al4V) alloy.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 63:**

16 The general objections above are incorporated by reference as though fully set  
17 forth herein. Wright Medical objects to this Request on the grounds that it seeks  
18 information neither relevant to the subject matter of this litigation nor  
19 proportional to the needs of the case because it seeks documents, for an  
20 unlimited period of time, concerning products-some of which are comprised of a  
21 different material – which Plaintiff did not receive and which are not at issue in  
22 this case. Wright Medical further objects that the terms “aspects, properties,  
23 performance, characteristic, or safety” are vague, ambiguous and undefined  
24 within the context of this Request. Subject to, and without waiver of, the  
25 foregoing objections, upon the entry of a stipulated confidentiality order, Wright  
26 Medical responds that it will produce the device development file, testing and  
27 engineering reports, and post-market surveillance reports for the PRO FEMUR®  
28 modular neck component which Plaintiff received, which may contain  
information responsive to this Request.

2. **Defendant MicroPort Orthopedics, Inc.**

21 **REQUEST FOR PRODUCTION NO. 1:**

22 All DOCUMENTS which RELATE TO COMMUNICATIONS YOU sent to or  
23 received from the U.S. Food and Drug Administration (“FDA”) concerning the  
24 PROFEMUR DEVICE with the CoCr NECK, including but not limited to the  
25 FDA regulatory file and any supplementation, addition, amendment to same.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

27 The general objections above are incorporated by reference as though fully set  
28 forth herein. MicroPort objects to this Request on the grounds that it seeks  
information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case. Specifically, this Request seeks documents,  
for an unlimited period of time, which pertain to products which Plaintiff did not

receive and which are not at issue in this case. MicroPort further objects to the extent that the Request calls for documents that are publicly available, equally available from another party, and/or are outside MicroPort's possession, custody or control. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, MicroPort responds that it will produce responsive, non-privileged communications in its custody or control with the FDA concerning the specific device implanted in Plaintiff, and generally concerning the PROFEMUR® CoCr modular neck, model PHAC-1254, if any.

**REQUEST FOR PRODUCTION NO. 2:**

All DOCUMENTS which RELATE TO COMMUNICATIONS YOU sent to or received from the FDA concerning the PROFEMUR DEVICE with the Ti6A14V NECK, including but not limited to the FDA regulatory file and any supplementation, addition, amendment to same.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

The general objections above are incorporated by reference as though fully set forth herein. MicroPort objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case. Specifically, this Request seeks documents, for an unlimited period of time, which pertain to products which Plaintiff did not receive, are comprised of a different material, and which are not at issue in this case. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, MicroPort responds that it will produce responsive, non-privileged communications in its custody or control with the FDA concerning the specific device implanted in Plaintiff, and generally concerning the PROFEMUR® CoCr modular neck, model PHAC-1254, if any.

**REQUEST FOR PRODUCTION NO. 3:**

All DOCUMENTS which RELATE TO any meetings YOU had with the FDA RELATING to the PROFEMUR DEVICE with the CoCr NECK, including but not limited to the FDA regulatory file and any supplementation, addition, amendment to same.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

The general objections above are incorporated by reference as though fully set forth herein. MicroPort objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case. Specifically, this Request seeks documents, for an unlimited period of time, relating to any and all communications regardless of the substance, which pertain to products which Plaintiff did not receive and which are not at issue in this case. Read literally this Request seeks any and all documents related to the FDA, having any arguable connection to the products at issue in this case, regardless as to whether the communication has anything to do with the allegations and theories of defect pled in the Complaint. MicroPort further objects to the extent that the Request calls for documents that

1 are publicly available, equally available from another party, and/or are outside  
2 MicroPort's possession, custody or control. Subject to, and without waiver of,  
3 the foregoing objections, upon the entry of a stipulated confidentiality order,  
4 MicroPort responds that it will produce responsive, non-privileged documents in  
5 its custody or control sufficient to show the substance of meetings with the FDA  
concerning the specific device implanted in Plaintiff, and generally concerning  
the PROFEMUR® CoCr modular neck, model PHAC-1254, if any.  
6

**REQUEST FOR PRODUCTION NO. 4:**

7 All DOCUMENTS which RELATE TO any meetings YOU had with the FDA  
8 RELATING to the PROFEMUR DEVICE with the Ti6A14V NECK, including  
but not limited to the FDA regulatory file and any supplementation, addition,  
amendment to same.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

9 The general objections above are incorporated by reference as though fully  
10 set forth herein. MicroPort objects to this Request on the grounds that it seeks  
11 information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case. Specifically, this Request seeks documents,  
12 for an unlimited period of time, which pertain to products comprised of a  
different material which Plaintiff did not receive and which are not at issue in  
13 this case. Read literally, this Request seeks any and all documents related to the  
FDA, having any arguable connection to products not even received by Plaintiff,  
14 regardless as to whether the communication has anything to do with the  
allegations and theories of defect pled in the Complaint. Subject to, and without  
waiver of, the foregoing objections, upon the entry of a stipulated confidentiality  
order, MicroPort responds that it will produce responsive, non-privileged  
15 documents in its custody or control sufficient to show the substance of meetings  
with the FDA concerning the specific device implanted in Plaintiff, and  
generally concerning the PROFEMUR® CoCr modular neck, model PHAC-  
16 1254, if any.  
17

**REQUEST FOR PRODUCTION NO. 5:**

18 All DOCUMENTS which RELATE TO any COMMUNICATIONS between  
19 YOU and any entity, including but not limited to the FDA or WRIGHT from  
20 2009 to present concerning a potential or actual recall of the CoCr NECK,  
21 including, but not limited to, minutes of meetings in which a recall was  
22 discussed.  
23

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

24 The general objections above are incorporated by reference as though fully set  
25 forth herein. MicroPort objects to the extent that the Request calls for documents  
26 that are publicly available, equally available from another party, and/ or are  
outside MicroPort's possession, custody or control. MicroPort further objects to  
27 this Request on the grounds that it seeks information neither relevant to the  
subject matter of this litigation nor proportional to the needs of the case because  
it seeks documents, for an unlimited period of time, which pertain to products  
28

which Plaintiff did not receive and which are not at issue in this case. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, MicroPort responds that it will produce responsive, non-privileged documents in its custody or control MICROPORT ORTHOPEDICS, INC.'S OBJECTIONS AND RESPONSES TO PLAINTIFF CATHERINE PRATER'S REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS (SET ONE) sufficient to show MicroPort's decision to recall the PROFEMUR® CoCr modular neck, model PHAC-1254, if any.

REQUEST FOR PRODUCTION NO. 6:

All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU and any entity, including but not limited to the FDA or WRIGHT from 2000 to the present concerning a potential recall of the Ti6A14V NECK, including, but not limited to, minutes of meetings in which a potential recall was discussed.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

The general objections above are incorporated by reference as though fully set forth herein. MicroPort objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case. Specifically, this Request seeks documents, for an unlimited period of time, which pertain to products comprised of a different material which Plaintiff did not receive and which are not at issue in this case. MicroPort further objects to the extent that the Request calls for documents that are publicly available, equally available from another party, and/or are outside MicroPort's possession, custody or control. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, MicroPort responds that it will produce responsive, non-privileged documents in its custody or control sufficient to show MicroPort's decision to recall the PROFEMUR® CoCr modular neck, model PHAC-1254, if any.

REQUEST FOR PRODUCTION NO. 7:

All DOCUMENTS which RELATE TO reports of implant failures RELATING TO the PROFEMUR DEVICE with the CoCr NECK.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

The general objections above are incorporated by reference as though fully set forth herein. MicroPort objects to this Request as overbroad and disproportionate to the needs of this case because it seeks documents concerning other product failures involving different patients with different product configurations, treated by different physicians and surgeons, with differing medical conditions and circumstances, all of which have no relevance to the claims asserted by Plaintiff in this case. MicroPort further objects that the term "implant failures" is vague, ambiguous and undefined within the context of this Request and could include instances having nothing to do with the allegations or theories at issue in this matter. MicroPort further objects to this Request to the

1 extent it seeks information and documents, for an unlimited period of time,  
2 which pertain to reports of “implant failures” concerning products which  
3 Plaintiff did not receive and which are not at issue in this case. MicroPort further  
4 objects to the extent that the Request calls for documents that are publicly  
5 available, equally available from another party, and/or are outside MicroPort’s  
6 possession, custody or control. Subject to, and without waiver of, the foregoing  
7 objections, upon the entry of a stipulated confidentiality order, MicroPort responds  
8 that it will produce responsive documents for fracture complaints of the  
9 modular neck component which Plaintiff received and is at issue in this case,  
10 including Plaintiffs complaint file, which contain information responsive to this  
11 Request as it pertains to Plaintiff and the modular neck component she received.

12 **REQUEST FOR PRODUCTION NO. 8:**

13 Any DOCUMENTS which RELATE TO written communication regarding  
14 implant failures, including but not limited to fracture and corrosion-related  
15 failures, of the PROFEMUR CoCr Neck.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

17 The general objections above are incorporated by reference as though fully  
18 set forth herein. MicroPort objects to this Request as overbroad and  
19 disproportionate to the needs of this case because it seeks documents concerning  
20 a failure mode (corrosion) and products that are not at issue in this case.  
21 MicroPort further objects on grounds this Request seeks documents concerning  
22 other product failures involving different patients with different product  
23 configurations, treated by different physicians and surgeons, with differing  
24 medical conditions and circumstances, all of which have no relevance to the  
25 claims asserted by Plaintiff in this case. MicroPort further objects that the term  
26 “implant failures” is vague, ambiguous and undefined within the context of this  
27 Request and could include instances having nothing to do with the allegations or  
28 theories at issue in this matter. MicroPort further objects to the extent that the  
Request calls for documents that are publicly available, equally available from  
another party, and/or are outside MicroPort’s possession, custody or control.  
Subject to, and without waiver of, the foregoing objections, upon the entry of a  
stipulated confidentiality order, MicroPort responds that it will produce  
responsive documents for fracture complaints of the modular neck component  
which Plaintiff received and is at issue in this case, including Plaintiff’s  
complaint file, which contain information responsive to this Request as it  
pertains to Plaintiff and the modular neck component she received.

29 **REQUEST FOR PRODUCTION NO. 10:**

30 All promotional and marketing materials YOU drafted, approved, published, or  
31 distributed concerning the PROFEMUR DEVICE, including, but not limited to,  
32 drafts of such promotional and marketing materials.

33 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

34 The general objections above are incorporated by reference as though fully set  
35 forth herein. MicroPort objects to this Request on the grounds that it seeks

1 information neither relevant to the subject matter of this litigation nor  
2 proportional to the needs of the case. Specifically, this Request seeks documents,  
3 for the lifespan of the PROFEMUR® product line, which extends over 30 years  
4 and includes products which Plaintiff did not receive and which are not at issue  
5 in this case. Moreover, MicroPort objects on the grounds that this Request seeks  
6 documents which neither Plaintiff nor her treating physicians reviewed or relied  
7 upon. MicroPort further objects to the extent that the Request calls for  
8 documents that are publicly available, equally available from another party,  
9 and/or are outside MicroPort's possession, custody or control. Subject to, and  
10 without waiver of, the foregoing objections, MicroPort responds that it will  
11 produce responsive, non-privileged documents in its custody or control  
12 demonstrating marketing of the PROFEMUR® CoCr modular neck, model  
13 PHAC-1254, if any.

14 **REQUEST FOR PRODUCTION NO. 12:**

15 All DOCUMENTS which RELATE TO PATIENT or physician complaints  
16 reported to YOU or WRIGHT concerning the PROFEMUR DEVICE.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

18 The general objections above are incorporated by reference as though fully set  
19 forth herein. MicroPort objects to the extent that the Request calls for documents  
20 that are publicly available, equally available from another party, and/or are  
21 outside MicroPort's possession, custody or control. MicroPort further objects to  
22 this Request on the grounds that it seeks information neither relevant to the  
23 subject matter of this litigation nor proportional to the needs of the case because  
24 it seeks documents, for an unlimited period of time, which pertain to "PATIENT  
25 or physician complaints" concerning products which Plaintiff did not receive and  
which are not at issue in this case. Moreover, this Request seeks documents  
concerning other product complaints concerning different patients with different  
product configurations, treated by different physicians and surgeons, with  
differing medical conditions and circumstances, all of which have no relevance  
to the claims asserted by Plaintiff in this case. Subject to, and without waiver of,  
the foregoing objections, upon the entry of a stipulated confidentiality order,  
MicroPort responds that it will produce responsive documents for fracture  
complaints of the modular neck component which Plaintiff received and is at  
issue in this case, including Plaintiffs complaint file, which contain information  
responsive to this Request as it pertains to Plaintiff and the modular neck  
component she received.

26 **REQUEST FOR PRODUCTION NO. 14:**

27 All DOCUMENTS which RELATE TO reports of adverse events or implant  
28 failures concerning the PROFEMUR DEVICE.

29 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

30 The general objections above are incorporated by reference as though fully set  
31 forth herein. MicroPort objects to this Request on the grounds that it seeks  
32 information neither relevant to the subject matter of this litigation nor

1 proportional to the needs of the case because it seeks documents, for an  
2 unlimited period of time, which pertain to “reports of adverse events or implant  
3 failures” concerning products which Plaintiff did not receive and which are not  
4 at issue in this case. Moreover, this Request seeks documents concerning other  
5 adverse events and/or implant failures concerning different patients with  
6 different product configurations, treated by different physicians and surgeons,  
7 with differing medical conditions and circumstances, all of which have no  
8 relevance to the claims asserted by Plaintiff in this case. MicroPort further  
9 objects that the terms “adverse events” and “implant failures” are vague,  
10 ambiguous and undefined within the context of this Request and could include  
11 instances having nothing to do with the allegations or theories at issue in this  
12 matter. Subject to, and without waiver of, the foregoing objections, upon the  
13 entry of a stipulated confidentiality order, MicroPort will produce responsive  
14 documents for fracture complaints of the modular neck component which  
15 Plaintiff received and is at issue in this case, including Plaintiffs complaint file,  
16 which contain information responsive to this Request as it pertains to Plaintiff  
17 and the modular neck component she received.

18 **REQUEST FOR PRODUCTION NO. 15:**

19 All product labels, package inserts, or Instructions for Use (“IFU”) that YOU  
20 drafted, approved, published or distributed concerning the PROFEMUR  
21 DEVICE.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

23 The general objections above are incorporated by reference as though fully set  
24 forth herein. MicroPort objects to this Request on the grounds that it seeks  
25 information neither relevant to the subject matter of this litigation nor  
26 proportional to the needs of the case because it seeks documents, for an  
27 unlimited period of time, concerning products which Plaintiff did not receive and  
28 which are not at issue in this case. Moreover, this Request is overbroad as it  
seeks versions and variations of labels and documents not received or reviewed  
by Plaintiffs surgeon. Subject to, and without waiver of, the foregoing  
objections, MicroPort responds that it will produce responsive, non-privileged  
product labels, package inserts, and Instructions for Use for the PROFEMUR®  
CoCr modular neck, model PHAC- 1254, if any.

29 **REQUEST FOR PRODUCTION NO. 16:**

30 All DOCUMENTS sufficient to show the warnings YOU provided to  
31 PATIENTS or their implanting surgeons concerning the risks of the  
32 PROFEMUR DEVICE with the CoCr NECK.

33 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

34 The general objections above are incorporated by reference as though fully set  
35 forth herein. MicroPort objects to this Request on the grounds that it seeks  
36 information neither relevant to the subject matter of this litigation nor  
37 proportional to the needs of the case because it seeks documents, for an

unlimited period of time, concerning products which Plaintiff did not receive and which are not at issue in this case. Moreover, this Request seeks documents concerning different patients, product configurations, and surgeons which have no relevance to this matter. Subject to, and without waiver of, the foregoing objections, MicroPort responds that it will produce responsive, non-privileged product labels, package inserts, and Instructions for Use for the PROFEMUR® CoCr modular neck, model PHAC- 1254, if any.

**REQUEST FOR PRODUCTION NO. 17:**

All DOCUMENTS which RELATE TO testing or studies YOU conducted  
RELATING TO the PROFEMUR DEVICE with the CoCr NECK.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

The general objections above are incorporated by reference as though fully set forth herein. MicroPort objects to this Request on the grounds that it seeks documents, for an unlimited period of time, concerning products which Plaintiff did not receive and which are not at issue in this case. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, MicroPort responds that it will produce responsive, non-privileged documents in its custody or control including testing and/or studies conducted concerning the PROFEMUR® CoCr modular neck, model PHAC- 1 254, if any.

**REQUEST FOR PRODUCTION NO. 19:**

All summary databases or spreadsheets which track failures or complaints regarding the PROFEMUR DEVICE, including, but not limited to, any claims database or spreadsheet that identifies complaints regarding the PROFEMUR DEVICE by the following categories: incident number, date, product ID, product, lot number, incident description, and investigation summary.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

The general objections above are incorporated by reference as though fully set forth herein. MicroPort objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case because it seeks documents, for an unlimited period of time, concerning a failure mode (corrosion) and products which Plaintiff did not receive and which are not at issue in this case. Moreover, this Request seeks documents concerning other product failures and complaints concerning different patients, treated by different physicians and surgeons, with unique component configurations and differing medical conditions and circumstances, all of which have no relevance to the claims asserted by Plaintiff in this case. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, MicroPort responds that it will produce responsive documents for fracture complaints of the modular neck component which Plaintiff received and is at issue in this case.

**REQUEST FOR PRODUCTION NO. 20:**

All summary databases or spreadsheets, which identifies or tracks testing

1 performed on a PROFEMUR DEVICE.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

3 The general objections above are incorporated by reference as though fully set  
4 forth herein. MicroPort objects to this Request on the grounds that it seeks  
5 information neither relevant to the subject matter of this litigation nor  
6 proportional to the needs of the case because it seeks documents, for an  
7 unlimited period of time, concerning products which Plaintiff did not receive and  
8 which are not at issue in this case. Subject to, and without waiver of, the  
9 foregoing objections, upon the entry of a stipulated confidentiality order,  
10 MicroPort responds that it will produce responsive, non- privileged documents in  
11 its custody or control including testing and/or studies conducted concerning the  
12 PRO FEMUR® CoCr modular neck, model PHAC-1254, if any.

13 **REQUEST FOR PRODUCTION NO. 21:**

14 The design history file, design control file, or design dossier DOCUMENTS  
15 RELATING TO the design and development of the PROFEMUR NECKS in  
16 YOUR possession.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

18 The general objections above are incorporated by reference as though fully set  
19 forth herein. MicroPort objects to the extent that the Request calls for documents  
20 that are publicly available, equally available from another party, and/or are  
21 outside MicroPort's possession, custody or control. MicroPort further objects to  
22 this Request on the grounds that it seeks information neither relevant to the  
23 subject matter of this litigation nor proportional to the needs of the case because  
24 it seeks documents, for an unlimited period of time, concerning products which  
25 Plaintiff did not receive and which are not at issue in this case. Subject to, and  
26 without waiver of, the foregoing objections, MicroPort responds that it was not  
27 involved in the design and development of the PROFEMUR® CoCr modular  
28 neck component which Plaintiff received and is at issue in this case.  
Notwithstanding this fact, MicroPort further responds that the device  
development file for the modular neck component which Plaintiff received will  
be produced in this case.

29 **REQUEST FOR PRODUCTION NO. 22:**

30 All DOCUMENTS, including but not limited to investigations, internal studies,  
31 reports, PowerPoint presentations, or other similar material, that address failure  
32 rate(s) of all modular neck systems, the demographics of such failures, and  
33 projections of the number, percentage, or rate of future failures.

34 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

35 The general objections above are incorporated by reference as though fully set  
36 forth herein. MicroPort objects to this Request on the grounds that it seeks  
37 information neither relevant to the subject matter of this litigation nor  
38 proportional to the needs of the case because it seeks documents, for an  
39 unlimited period of time, concerning products which Plaintiff did not receive and

which are not at issue in this case. Moreover, this Request seeks documents concerning other product failures concerning different patients, treated by different physicians and surgeons, with unique component configurations and differing medical conditions and circumstances, all of which have no relevance to the claims asserted by Plaintiff in this case. MicroPort further objects to the extent the Request seeks documents authored and maintained by a party over whom MicroPort has no control. MicroPort further objects that the terms "investigations, internal studies, reports, PowerPoint presentations, or other similar material" and "all modular neck systems" are vague, ambiguous and undefined within the context of this Request. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, MicroPort responds that it will produce responsive documents for the modular neck component which Plaintiff received and is at issue in this case, including, but not limited to, the responsive post-market surveillance reports for the modular neck component which Plaintiff received.

**REQUEST FOR PRODUCTION NO. 24:**

All DOCUMENTS and supporting data which reflect the total number, by model, of PROFEMUR CoCr NECKS distributed/sold/implanted worldwide on an annual basis from 2009 to present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

The general objections above are incorporated by reference as though fully set forth herein. MicroPort objects on grounds that this Request seeks documents from a third party over whom MicroPort has no control. MicroPort further objects on the grounds that it no longer distributes or sells the PROFEMUR® CoCr neck component which Plaintiff received and is at issue in this case. MicroPort further objects to this Request on the grounds that it seeks information neither relevant to the subject matter of this litigation nor proportional to the needs of the case because it seeks documents, for an unlimited period of time, concerning products which Plaintiff did not receive and which are not at issue in this case. Moreover, information concerning the number of "PROFEMUR CoCr NECKS" MicroPort has "distributed/sold/implanted worldwide" has no relevance to the product liability claims asserted by Plaintiff. Subject to, and without waiver of, the foregoing objections, upon the entry of a stipulated confidentiality order, MicroPort will produce responsive documents for the modular neck component which Plaintiff received and is at issue in this case.

**REQUEST FOR PRODUCTION NO. 26:**

All DOCUMENTS and supporting data which reflect the total number, by model, of PROFEMUR CoCr NECKS distributed/sold/implanted domestically in the United States on an annual basis from 2009 to present.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

The general objections above are incorporated by reference as though fully set forth herein. MicroPort objects on grounds that this Request seeks documents from a third party over whom MicroPort has no control. MicroPort further

1 objects on the grounds that it no longer distributes or sells the PROFEMUR®  
2 CoCr neck component which Plaintiff received and is at issue in this case.  
3 MicroPort further objects to this Request on the grounds that it seeks information  
4 neither relevant to the subject matter of this litigation nor proportional to the  
5 needs of the case because it seeks documents, for an unlimited period of time,  
6 concerning products which Plaintiff did not receive and which are not at issue in  
7 this case. Moreover, information concerning the number of “PROFEMUR CoCr  
8 NECKS” MicroPort has “distributed/sold/implanted domestically in the United  
9 States” has no relevance to the product liability claims asserted by Plaintiff.  
10 Subject to, and without waiver of, the foregoing objections, upon the entry of a  
11 stipulated confidentiality order, MicroPort will produce responsive documents  
12 for the modular neck component which Plaintiff received and is at issue in this  
13 case.

14 **REQUEST FOR PRODUCTION NO. 30:**  
15 All data and DOCUMENTS which reflect the total number, by model, of CoCr  
16 NECKS which were reported to YOU, WRIGHT, or Cremascoli as fractured in  
17 the United States from 2009 to present.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**  
19 The general objections above are incorporated by reference as though fully set  
20 forth herein. MicroPort objects to the extent the Request seeks documents  
21 authored and maintained by a party over whom MicroPort has no control.  
22 MicroPort further objects to this Request on the grounds that it seeks information  
23 neither relevant to the subject matter of this litigation nor proportional to the  
24 needs of the case because it seeks documents concerning multiple products  
25 which Plaintiff did not receive and which are not at issue in this case. Moreover,  
26 this Request seeks documents concerning other product failures concerning  
27 different patients, treated by different physicians and surgeons, with unique  
28 component configurations and differing medical conditions and circumstances,  
all of which have no relevance to the claims asserted by Plaintiff in this case.  
Subject to, and without waiver of, the foregoing objections, upon the entry of a  
stipulated confidentiality order, MicroPort responds that it will produce  
responsive documents for fracture complaints of the modular neck component  
which Plaintiff received and is at issue in this case.

29 **REQUEST FOR PRODUCTION NO. 32:**  
30 All data and DOCUMENTS which reflect the total number, by model, of CoCr  
31 NECKS which were reported to YOU, WRIGHT, or Cremascoli as fractured  
32 worldwide from 2009 to present.

33 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**  
34 The general objections above are incorporated by reference as though fully set  
35 forth herein. MicroPort objects to the extent the Request seeks documents  
36 authored and maintained by a party over whom MicroPort has no control.  
37 MicroPort further objects to this Request on the grounds that it seeks information  
38 neither relevant to the subject matter of this litigation nor proportional to the

1 needs of the case because it seeks documents concerning multiple products  
2 which Plaintiff did not receive and which are not at issue in this case. Moreover,  
3 this Request seeks documents concerning other product failures concerning  
4 different patients, treated by different physicians and surgeons, with unique  
5 component configurations and differing medical conditions and circumstances,  
6 all of which have no relevance to the claims asserted by Plaintiff in this case.  
Subject to, and without waiver of, the foregoing objections, upon the entry of a  
stipulated confidentiality order, MicroPort responds that it will produce  
responsive documents for fracture complaints of the modular neck component  
which Plaintiff received and is at issue in this case.

7 **REQUEST FOR PRODUCTION NO. 39:**

8 All COMMUNICATION, including but not limited to emails and letter  
correspondence, between YOU and Dr. Jason Snibbe regarding PROFEMUR  
9 MODULAR NECKS from 2000 to the present.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

11 The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects to the extent the Request seeks documents  
12 authored and maintained by a party over whom MicroPort has no control.  
MicroPort further objects to this Request on the grounds it seeks documents  
13 neither relevant to the subject matter of this litigation nor proportional to the  
needs of the case because it seeks documents concerning products□some of  
14 which are comprised of a different material-which Plaintiff did not receive and  
which are not at issue in this case. Moreover, this Request seeks communications  
15 concerning other product failures concerning different patients with unique  
component configurations and differing medical conditions and circumstances,  
all of which have no relevance to the claims asserted by Plaintiff in this case.  
16 Subject to, and without waiver of, the foregoing objections, upon the entry of a  
stipulated confidentiality order, MicroPort responds that it will produce  
17 responsive documents, including, but not limited to, correspondence with Dr.  
18 Snibbe regarding the modular neck component which Plaintiff received and is at  
issue in this case, and Plaintiffs complaint file, which contain information  
19 responsive to this Request as it pertains to Plaintiff and the modular neck  
20 component she received.

22 **REQUEST FOR PRODUCTION NO. 42:**

23 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
and any implanting surgeon user discussing concerns related to corrosion and  
24 failure of the PROFEMUR DEVICE from 2000 to present.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

26 The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects on grounds that this Request seeks documents  
27 concerning a failure mode (corrosion) not at issue in this case, which therefore  
have no relevance to the claims asserted by Plaintiff. MicroPort further objects to  
this Request on the grounds it is vastly overbroad and unduly burdensome in that

1 it seeks any and all communications, regardless of source, for information  
2 neither relevant to the subject matter of this litigation nor proportional to the  
3 needs of the case because it seeks documents concerning products-some of  
4 which are comprised of a different material-which Plaintiff did not receive and  
5 which are not at issue in this case. Moreover, this Request seeks communications  
6 concerning other product failures concerning different patients, treated by  
7 different physicians and surgeons, with unique component configurations and  
8 differing medical conditions and circumstances, all of which have no relevance  
9 to the claims asserted by Plaintiff in this case. MicroPort further objects to the  
10 extent the Request seeks documents authored and maintained by a party over  
11 whom MicroPort has no control. Subject to, and without waiver of, the foregoing  
12 objections, upon the entry of a stipulated confidentiality order, MicroPort  
13 responds that it will produce responsive documents for fracture complaints of the  
14 modular neck component which Plaintiff received and is at issue in this case,  
15 including Plaintiffs complaint file, which contain information responsive to this  
16 Request as it pertains to Plaintiff and the modular neck component she received.

17 **REQUEST FOR PRODUCTION NO. 43:**

18 All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
19 and any PERSON or entity, including but not limited to the FDA or WRIGHT,  
20 concerning complaints about fractured CoCr NECK fracture components from  
21 2009 to present.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

23 The general objections above are incorporated by reference as though fully set  
24 forth herein. MicroPort objects to this Request on the grounds it is vastly  
25 overbroad and unduly burdensome in that it seeks any and all communications,  
26 regardless of source or date, for information neither relevant to the subject matter  
27 of this litigation nor proportional to the needs of the case because it seeks  
28 documents concerning products which Plaintiff did not receive and which are not  
at issue in this case. Moreover, this Request seeks communications concerning  
other product failures concerning different patients, treated by different  
physicians and surgeons, with unique component configurations and differing  
medical conditions and circumstances, all of which have no relevance to the  
claims asserted by Plaintiff in this case. Subject to, and without waiver of, the  
foregoing objections, upon the entry of a stipulated confidentiality order,  
MicroPort responds that it will produce responsive documents for fracture  
complaints of the modular neck component which Plaintiff received and is at  
issue in this case, including Plaintiffs complaint file, which contain information  
responsive to this Request as it pertains to Plaintiff and the modular neck  
component she received.

29 **REQUEST FOR PRODUCTION NO. 44:**

30 All DOCUMENTS and COMMUNICATIONS in YOUR possession concerning  
31 post-market surveillance of the PROFEMUR DEVICE from 2000 to present.

1                   RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

2                   The general objections above are incorporated by reference as though fully set  
3                   forth herein. MicroPort objects to the extent the Request seeks documents  
4                   authored and maintained by a party over whom MicroPort has no control.  
5                   MicroPort further objects to this Request on the grounds that it seeks information  
6                   neither relevant to the subject matter of this litigation nor proportional to the  
7                   needs of the case because it seeks documents concerning products – some of  
8                   which are comprised of a different material – which Plaintiff did not receive and  
9                   which are not at issue in this case. Subject to, and without waiver of, the  
10                  foregoing objections, upon the entry of a stipulated confidentiality order,  
11                  MicroPort responds that it will produce the post-market surveillance reports for  
12                  the modular neck component which Plaintiff received and is at issue in this case.

13                   REQUEST FOR PRODUCTION NO. 45:

14                  Medical literature, papers, podium presentations, poster presentations, research,  
15                  texts, treatises, or other similar DOCUMENTS, regardless of whether published  
16                  or peer-reviewed, received or generated by or on YOUR behalf from January 1,  
17                  2000 to the present, RELATING TO the integrity, wear-rate, micromotion,  
18                  corroding, fretting, or fracturing of PROFEMUR Ti6A14V MODULAR  
19                  NECKS, regardless of the exact language used, and regardless of whether it  
20                  specifically addresses a WRIGHT or MICROPORT device.

21                   RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

22                  The general objections above are incorporated by reference as though fully set  
23                  forth herein. MicroPort objects to this Request on the grounds that it seeks  
24                  information neither relevant to the subject matter of this litigation nor  
25                  proportional to the needs of the case because it seeks documents, pre-dating by  
26                  nearly a decade the launch of the modular neck component at issue here,  
27                  concerning a failure mode (corrosion) and products comprised of a different  
28                  material which Plaintiff did not receive and which are not at issue in this case,  
                        and products which were not even designed, developed, manufactured, or sold  
                        by MicroPort. MicroPort further objects to the extent the Request seeks  
                        documents authored and maintained by a party over whom MicroPort has no  
                        control. Subject to, and without waiver of, the foregoing objections, upon the  
                        entry of a stipulated confidentiality order, MicroPort responds that it will  
                        produce the device development file and post-market surveillance reports for the  
                        modular neck component which Plaintiff received and is at issue in this case.

29                   REQUEST FOR PRODUCTION NO. 46:

30                  Medical literature, papers, podium presentations, poster presentations, research,  
31                  texts, treatises, or other similar DOCUMENTS, regardless of whether published  
32                  or peer-reviewed, received or generated by or on YOUR behalf RELATING TO  
33                  the integrity, wear-rate, micromotion, corroding, fretting, or fracturing of  
34                  PROFEMUR CoCr MODULAR NECKS, regardless of the exact language used,  
35                  and regardless of whether it specifically addresses a WRIGHT or MICROPORT  
36                  device.

1                   RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

2                   The general objections above are incorporated by reference as though fully set  
3                   forth herein. MicroPort objects to this Request on the grounds that it seeks  
4                   information neither relevant to the subject matter of this litigation nor  
5                   proportional to the needs of the case because it seeks documents concerning a  
6                   failure mode (corrosion) and products which Plaintiff did not receive and which  
7                   are not at issue in this case, and products which were not even designed,  
8                   developed, manufactured, or sold by MicroPort. MicroPort further objects to the  
9                   extent the Request seeks documents authored and maintained by a party over  
10                  whom MicroPort has no control. Subject to, and without waiver of, the foregoing  
11                  objections, upon the entry of a stipulated confidentiality order, MicroPort  
12                  responds that it will produce the device development file and post-market  
13                  surveillance reports for the modular neck component which Plaintiff received  
14                  and is at issue in this case.

15                   REQUEST FOR PRODUCTION NO. 47:

16                   All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
17                  and any surgeon RELATING TO or discussing in any way the integrity, wear-  
18                  rate, micromotion, fretting, fretting corrosion, fracture or breakage of the  
19                  PROFEMUR Ti6A14V MODULAR NECKS, regardless of whether that  
20                  communication involved the personal experience of the surgeon with a patient.

21                   RESPONSE TO REQUEST FOR PRODUCTION NO. 47:

22                   The general objections above are incorporated by reference as though fully set  
23                   forth herein. MicroPort objects to this Request on the grounds that it seeks  
24                   information neither relevant to the subject matter of this litigation nor  
25                   proportional to the needs of the case because it seeks documents, for an  
26                   unlimited period of time, concerning a failure mode (corrosion) and numerous  
27                   hip implant components comprised of a different material which Plaintiff did not  
28                   receive and which are not at issue in this case. Moreover, this Request seeks  
                    communications concerning other patients, surgeons and product failures, all of  
                    which have no relevance to the claims asserted by Plaintiff in this case. Subject  
                    to, and without waiver of, the foregoing objections, upon the entry of a stipulated  
                    confidentiality order, MicroPort will produce responsive documents for fracture  
                    complaints of the modular neck component which Plaintiff received and is at  
                    issue in this case, including Plaintiffs complaint file, which may contain  
                    information responsive to this Request as it pertains to Plaintiff and the modular  
                    neck component she received.

29                   REQUEST FOR PRODUCTION NO. 48:

30                   All DOCUMENTS which RELATE TO COMMUNICATIONS between YOU  
31                  and any surgeon RELATING TO or discussing in any way the integrity, wear-  
32                  rate, micromotion, fretting, fretting corrosion, fracture or breakage of the  
33                  PROFEMUR CoCr MODULAR NECK component, regardless of whether that  
34                  communication involved the personal experience of the surgeon with a patient.

1                   RESPONSE TO REQUEST FOR PRODUCTION NO. 48:

2                   The general objections above are incorporated by reference as though fully set  
3                   forth herein. MicroPort objects to this Request on the grounds that it seeks  
4                   information neither relevant to the subject matter of this litigation nor  
5                   proportional to the needs of the case because it seeks documents, for an  
6                   unlimited period of time, concerning a failure mode (corrosion) and numerous  
7                   hip implant components which Plaintiff did not receive and which are not at  
8                   issue in this case. Moreover, this Request seeks communications concerning  
9                   other patients, surgeons and product failures, all of which have no relevance to  
10                  the claims asserted by Plaintiff in this case. Subject to, and without waiver of, the  
11                  foregoing objections, upon the entry of a stipulated confidentiality order,  
12                  MicroPort will produce responsive documents for fracture complaints of the  
13                  modular neck component which Plaintiff received and is at issue in this case,  
14                  including Plaintiffs complaint file, which may contain information responsive to  
15                  this Request as it pertains to Plaintiff and the modular neck component she  
16                  received.

17                   REQUEST FOR PRODUCTION NO. 51:

18                  All published or presented material in YOUR possession wherein a PATIENT or  
19                  recipient of a WRIGHT artificial hip speaks, promotes, or advocates on behalf of  
20                  any WRIGHT artificial hip implant product, including, without limitation, any  
21                  video footage of same.

22                   RESPONSE TO REQUEST FOR PRODUCTION NO. 51:

23                  The general objections above are incorporated by reference as though fully set  
24                  forth herein. MicroPort objects on grounds this Request seeks documents which  
25                  neither Plaintiff nor her treating physicians reviewed or relied upon, and are  
26                  therefore not relevant to Plaintiffs claims. MicroPort further objects to the extent  
27                  that the Request calls for documents that are publicly available, equally available  
28                  from another party, and/or are outside MicroPort's possession, custody or  
29                  control. MicroPort further objects to this Request on the grounds that it seeks  
30                  information neither relevant to the subject matter of this litigation nor  
31                  proportional to the needs of the case because it seeks documents, for an  
32                  unlimited period of time, concerning any and all hip products-some of which are  
33                  comprised of a different material-which Plaintiff did not receive and which are  
34                  not at issue in this case. Read literally, this Request seeks any and all materials,  
35                  relating in any way to the promotion of over thirty hip implant components  
36                  without any geographic or temporal limitations. MicroPort further objects that  
37                  the terms "published or presented material" are vague, ambiguous and undefined  
38                  within the context of this Request. Subject to, and without waiver of, the  
39                  foregoing objections, MicroPort responds that it will produce responsive, non-  
40                  privileged documents in its custody or control demonstrating marketing of the  
41                  PRO FEMUR® CoCr modular neck, model PHAC-1254, if any.

42                   REQUEST FOR PRODUCTION NO. 52:

43                  All published or presented material in YOUR possession wherein a PATIENT or  
44                  recipient of a MICROPORT or WRIGHT artificial hip with a TITANIUM or

1 CoCr MODULAR NECK speaks, promotes, or advocates on behalf of any  
2 MICROPORT or WRIGHT artificial hip implant product, including, without  
limitation, any video footage of same.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

4 The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects on grounds this Request seeks documents which  
5 neither Plaintiff nor her treating physicians reviewed or relied upon, and are  
therefore not relevant to Plaintiffs claims. MicroPort further objects to the extent  
6 that the Request calls for documents that are publicly available, equally available  
7 from another party, and/or are outside MicroPort's possession, custody or  
control. MicroPort further objects to this Request on the grounds that it seeks  
8 information neither relevant to the subject matter of this litigation nor  
proportional to the needs of the case because it seeks documents, for an  
9 unlimited period of time, concerning any and all hip products-some of which are  
10 comprised of a different material-which Plaintiff did not receive and which are  
11 not at issue in this case. Read literally, this Request seeks any and all materials,  
12 relating in any way to the promotion of over thirty hip implant components  
13 without any geographic or temporal limitations. MicroPort further objects that  
14 the terms "published or presented material" are vague, ambiguous and undefined  
15 within the context of this Request. Subject to, and without waiver of, the  
16 foregoing objections, MicroPort responds that it will produce responsive, non-  
privileged documents in its custody or control demonstrating marketing of the  
17 PRO FEMUR® CoCr modular neck, model PHAC-1254, if any.

18 **REQUEST FOR PRODUCTION NO. 54:**

19 All DOCUMENTS in YOUR possession RELATING TO WRIGHT'S,  
20 Cremascoli's, or MICROPORT'S failure mode analysis of the Ti6A14V NECK  
21 or CoCr NECK, including but not limited to any conclusions formulated or  
22 reached as a result of said investigation or analysis.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

24 The general objections above are incorporated by reference as though fully set  
forth herein. MicroPort objects to the extent the Request seeks documents  
25 authored and maintained by a party over whom MicroPort has no control.  
MicroPort further objects to this Request on the grounds that it seeks information  
26 neither relevant to the subject matter of this litigation nor proportional to the  
needs of the case because it seeks documents, for an unlimited period of time,  
concerning products – some of which are comprised of a different material –  
27 which Plaintiff did not receive and which are not at issue in this case. MicroPort  
further objects that the term "failure mode analysis" is vague, ambiguous and  
undefined within the context of this Request. Subject to, and without waiver of,  
the foregoing objections, upon the entry of a stipulated confidentiality order,  
MicroPort responds that it will produce the device development file and risk  
assessment and analysis forms for the PROFEMUR® modular neck component  
at issue, which may include information responsive to this Request.

1                   REQUEST FOR PRODUCTION NO. 55:

2                   All DOCUMENTS in YOUR possession RELATING TO WRIGHT'S,  
3                   Cremascoli's, or MICROPORT'S failure mode analysis of the PROFEMUR  
4                   DEVICE and/or its predecessor device, including but not limited to any  
5                   conclusions formulated or reached as a result of said investigation or analysis.

6                   RESPONSE TO REQUEST FOR PRODUCTION NO. 55:

7                   The general objections above are incorporated by reference as though fully set  
8                   forth herein. MicroPort objects to the extent the Request seeks documents  
9                   authored and maintained by a party over whom MicroPort has no control.  
10                  MicroPort further objects to this Request on the grounds that it seeks information  
11                  neither relevant to the subject matter of this litigation nor proportional to the  
12                  needs of the case because it seeks documents, for an unlimited period of time,  
13                  concerning products-some of which are comprised of a different material-which  
14                  Plaintiff did not receive and which are not at issue in this case. MicroPort further  
15                  objects that the terms "failure mode analysis" and "predecessor device" are  
16                  vague, ambiguous and undefined within the context of this Request. Subject to,  
17                  and without waiver of, the foregoing objections, upon the entry of a stipulated  
18                  confidentiality order, MicroPort responds that it will produce the device  
19                  development file and risk assessment and analysis forms for the PROFEMUR®  
20                  modular neck component at issue, which may include information responsive to  
21                  this Request.

22                  REQUEST FOR PRODUCTION NO. 57:

23                  Produce a copy of all DOCUMENTS provided to YOUR employees and  
24                  marketing, distribution, and sales personnel, on how to educate, inform, and  
25                  notify surgeons and other users or purchasers of the PROFEMUR DEVICE,  
26                  including but not limited to technical monographs, surgical technique guides,  
27                  frequently asked questions brochures, and other DOCUMENTS that reflect,  
28                  address, discuss or reference regulatory issues, concerns, problems or  
29                  requirements related to PROFEMUR DEVICE.

30                  RESPONSE TO REQUEST FOR PRODUCTION NO. 57:

31                  The general objections above are incorporated by reference as though fully set  
32                  forth herein. MicroPort objects to this Request on the grounds that it seeks  
33                  information neither relevant to the subject matter of this litigation nor  
34                  proportional to the needs of the case because it seeks documents, for an  
35                  unlimited period of time, concerning products-some of which are comprised of a  
36                  different material-which Plaintiff did not receive and which are not at issue in  
37                  this case. MicroPort further objects that the terms "other users or purchasers" and  
38                  "regulatory issues, concerns, problems or requirements" are vague, ambiguous  
39                  and undefined within the context of this Request. Subject to, and without waiver  
40                  of, the foregoing objections, MicroPort responds that it will produce the IFUs,  
41                  surgical technique, technical monographs, and other marketing materials for the  
42                  PROFEMUR® neck component at issue in this case.

1           REQUEST FOR PRODUCTION NO. 65:

2           Produce any documents where YOU compare any aspects, properties,  
3           performance, characteristic, or safety of the CoCr NECK to any other  
4           PROFEMUR DEVICE, including those manufactured using a titanium  
5           (Ti6Al4V) alloy.

6           RESPONSE TO REQUEST FOR PRODUCTION NO. 65:

7           The general objections above are incorporated by reference as though fully set  
8           forth herein. MicroPort objects to this Request on the grounds that it seeks  
9           information neither relevant to the subject matter of this litigation nor  
10          proportional to the needs of the case because it seeks documents, for an  
11          unlimited period of time, concerning products-some of which are comprised of a  
12          different material-which Plaintiff did not receive and which are not at issue in  
13          this case. MicroPort further objects that the terms "aspects, properties,  
14          performance, characteristic, or safety" are vague, ambiguous and undefined  
15          within the context of this Request. Subject to, and without waiver of, the  
16          foregoing objections, upon the entry of a stipulated confidentiality order,  
17          MicroPort responds that it will produce the device development file, testing and  
18          engineering reports, and post-market surveillance reports for the PROFEMUR®  
19          modular neck component which Plaintiff received, which may contain  
20          information responsive to this Request.

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